TO:	Joyce M. G	rossnickle, Adr	ninistra	tive Officer						
FROM	Alan J Hudak, Director, Division of Public Works			<b>A</b>	DATE:	October 10, 2008				
Sul	bject: Pinecliff Park Pav	ing, Contract No	07-CP-56	6, Change Or	der No	9				
Pres	senter (Name & Title):	Charles Nipe, De	pt Head	, DCMI/Davı	d Enn	ıs, PE, Dept I	Head, DPDM			
Rec	quested Date: Next Av	vailable 10	- 30	-08			Phone:	x11689		
	e of Briefing: (Click to select)	Administra	tıve Bus	iness	] w	orksession		Closed S	Session	
	ı	BOCC/BOE	: Mtg		C	ounty/Municipa	al Mtg		ein/r	=D
Post	rd Action Desired:	Decision		Guidance		Inform		7		
Doai	a Action Desired.	Decision	<u> </u>		•			₫₽₩₽₽ 		enadon
Cto#	Coordination: This top	uc has been thor	oughly c	oordinated v	vith th	e following Div	vision/Bepartm	Office ent Directo	of Ors. andat	<u>hev</u> will have
repre	sentatives at the presentation	click to place a ch	eck mark i	n the appropria	te box	)	Admir	าเรเาสแง	ve Om	cer
	Staff	Initials	Date	Comments		St	aff	Initials	Date	Comments
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		x	10hzka			Planning Dire	ector			
ľ	County Manager		· ja·		1	Public Works		ALL	10/15/08	2
<b>✓</b>	Finance Director	Jek	141408		-			Laral T	יקליון	1
1	Budget Officer		10.16.0	) 		Utilities and S Management				
	Dadget emes.		10			Elected Office	cials			
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	Management Services	5			<b>/</b>	Other Paul Dial, Pa		Œ	10/16/09	e
Att	tachments Yes	s No	•							

PLEASE NOTE: The <u>original and 10 copies</u> of all attachments (including the coordination sheet) are required for the Board of County Commissioners' meetings, which includes the Joint BOCC/BOE Meeting and the County/Municipal Meeting. If you are scheduled for a <u>Closed Session</u>, then you only need to submit the <u>original and nine (9) copies of</u> the back-up materials are due to the Administrative Officer <u>ONE WEEK IN ADVANCE</u> of the meeting. If materials are not received in a timely manner, you will be asked to reschedule your item.

Revised January 2004

## FREDERICK COUNTY DIVISION OF PUBLIC WORKS

DEPARTMENT OF CONSTRUCTION MANAGEMENT / INSPECTION

118 North Market Street Frederick, Maryland 21701 (301) 694-2079

CONTRACT NO:07-CP-56					
PROJEC	T: Pmecliff Park Pave & Shelter				
DATE:	6/5/2008				
NOTICE	TO PROCEED: 9/29/2007				

**Unit Price** 

\$4,410 61

Amount

\$4,410 61

## **CONTRACT CHANGE ORDER**

Add new item No 66- Restocking fee for Geotextile Fabric returned to

#### CHANGE ORDER

Description

supplier

Item

10000

No. 00009

Change Order No.9

Quantity Units

1 000

#### DESCRIPTION OF CHANGE ORDER

Add New Item No 66 - Restocking fee for geotextile fabric returned to supplier due to parking lot pavement redesign which resolves any and all issues/claims for the roadway pavement except for the one year warranty period after final inspection acceptance

	Unit Item Cost: Lump Sum:	\$4,410.61 \$0.00
	Total:	\$4,410.61
Net Change by Previously Author The Contract Sum Prior The Cont The New Contract Sum Inc	to This Change Order was: ract Sum Will be Increased: cluding This Change Order: Time Will Not Be Changed:	\$1,256,857.00 \$298,295.46 \$1,555,152.46 \$4,410.61 \$1,559,563.07
THE TERMS AND CONDITIONS OF THIS CHANGE ORDER, INCLUDING THE AMOUNT AND TIME CONTAINED HEREIN CONSTITUTE A FULL ACCORD AND SATISFACTION BY THE COUNTY AND THE CONTRACTOR FOR ALL COSTS AND TIME OF PERFORMANCE RELATED TO THE ACTIONS DESCRIBED OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, DELAY AND IMPACT COSTS FOR THE WHOLE PROJECT RESULTING FROM THIS CHANGE ORDER  EXCEPT AS AMENDED HEREIN, ALL PROVISIONS OF THE CONTRACT REMAIN IN FULL FORCE AND EFFECT  OX Construction Corporation  AUTHORIZED REPRESENTATIVE	FREDERICK COUNTY, DEPARTMENDEPT OF CONSTRUCTION MANAGE  BY  DATE  FREDERICK COUNTY, DIRECTOR  DIVISION OF PUBLIC WORKS  BY  DATE  BOARD OF COUNTY COMMISSIONS  OF FREDERICK COUNTY  BY  DATE	MENT/INSPECTION

## FREDERICK COUNTY DIVISION OF PUBLIC WORKS

DEPARTMENT OF CONSTRUCTION MANAGEMENT / INSPECTION

118 North Market Street Frederick, Maryland 21701 (301) 694-2079

CONTRA	CT NO:07-CP-56	
PROJEC	T: Pinecliff Park Pave & Shelter	
DATE:	6/5/2008	
NOTICE	TO PROCEED: 9/29/2007	

**Unit Price** 

\$4,410 61

Amount

\$4,410 61

\$4,410.61

\$4,410.61

\$0.00

## CONTRACT CHANGE ORDER

Add new item No 66- Restocking fee for Geotextile Fabric returned to

## CHANGE ORDER No. 00009

Change Order No.9

Quantity Units

1 000

**Unit Item Cost:** 

Lump Sum:

Total:

#### DESCRIPTION OF CHANGE ORDER

Description

supplier

Item

00001

Add New Item No. 66 - Restocking fee for geotextile fabric returned to supplier due to parking lot pavement redesign which resolves any and all issues/claims for the roadway pavement except for the one year warranty period after final inspection acceptance

Net Change by Previously Authori The Contract Sum Prior The Contr The New Contract Sum Inc	to This Change Order was: \$1,555,152 ract Sum Will be Increased: \$4,410 cluding This Change Order: \$1,559,563 Time Will Not Be Changed:	5.46 2.46 3.61 3.07
The Date of Substantial Completion as of this	Change Order Therefore is: 6/14/20	008
CONTRACTOR'S ACCEPTANCE  THE TERMS AND CONDITIONS OF THIS CHANGE ORDER, INCLUDING THE AMOUNT AND TIME CONTAINED HEREIN CONSTITUTE A FULL ACCORD AND SATISFACTION BY THE COUNTY AND THE CONTRACTOR FOR ALL COSTS AND TIME OF PERFORMANCE RELATED TO THE ACTIONS DESCRIBED OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, DELAY AND IMPACT COSTS FOR THE WHOLE PROJECT RESULTING FROM THIS CHANGE ORDER.  EXCEPT AS AMENDED HEREIN, ALL PROVISIONS OF THE CONTRACT REMAIN IN FULL FORCE AND EFFECT	FREDERICK COUNTY, DEPARTMENT HEAD DEPT. OF CONSTRUCTION MANAGEMENT / INSPECTION  BY  DATE  FREDERICK COUNTY, DIRECTOR DIVISION OF PUBLIC WORKS  BY  DATE  O  O  O  O  O  O  O  O  O  O  O  O  O	N
DATE CONFRACTOR AUTHORIZED REPRESENTATIVE	BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY  BY  DATE	

# **Frederick County Division of Public Works**



118 North Market Street

Frederick, Maryland 21701

(301) 600-2079 •Fax (301) 600-3517

DEPARTMENT HEAD Charles F Nipe

VJ

DIRECTOR Alan Hudak, P E

### **CHANGE ORDER MEMO**

October 10, 2008

To:

The Board of County Commissioners of Frederick County

Through:

Alan J Hudak, P E , Director, Division of Public Works

Through:

David Ennis, P E , Department Head, Dept of Program Development & Management

Through:

David Grossweiler, P E, Engineering Manager, Dept of Program Development & Management

Through:

Kevin Vida, Project Manager, Dept of Program Development & Management

Through:

Charles Nipe, Department Head, DPW, Dept of Construction Mgmt and Inspection

From:

Bob Goodell, Programs Manager, DPW, Dept of Construction Mgmt and Inspection y

RE:

Pinecliff Park Paving & Shelter Replacement Project

Contract Number: 07-CP-56

Change Order No. 9 – Restocking Fees for Geotextile Fabric

#### ISSUE

Should the Board of County Commissioners of Frederick County approve the attached Change Order No 9 for the above referenced project, which provides total compensation to the contractor in the amount of \$4,410 61?

## **BACKGROUND**

On February 21, 2008, the BOCC approved Change Order No 3, which contained a revision to the roadway paving plan for Pinecliff Park. This change order added the SHA geotextile and Mirafi BAS 12 geotextile fabric to the contract as part of the revision plan for a total cost not to exceed \$287,520.00

Based on the April 3, 2008 meeting with Whitney, Bailey, Cox & Magnani Engineering, a more cost effective paving repair plan was developed. The revised paving plan eliminated two item quantities, SHA woven geotextile fabric and Mirafi BAS 12 geotextile fabric. Staff requested that the contractor return the material to the supplier. Upon returning the material a restocking fee of \$4,410.61 was charged by the supplier. When staff requested the material to be returned, we were unaware of the associated restocking fee, therefore, it was excluded in the original change order.

#### **RECOMMENDATION**

Staff recommends approval of Change Order No 9, which is considered to be an unforeseen condition

Upon execution of Change Order No 9, please return both originals to Lori Rhodes of this office

cc Project File

Ox construction Corporation

Bid No. 07-CP-56

Project Number: 14-9899-C47042-55201

PO Number: 0001810314

Original contract duration: 210 days
Date of NTP: Friday, September 28, 2007

Original Contract PO Amount:

\$1,256,857 00

Original construction account Budget Balance:

\$47,763 00 \$406,978 66

Change order total & % from CO#1 thru CO#4;

Current contract increased amount:

\$1,663,835 66

Non-comp

Original completion date: April 24, 2008

Revised completion date as of progress meeting # 4: June 14, 2008 for paving work

QTY. CO cost

E&O's

2 \$26,695 66

<u>User Requested</u>

(\$112,000 00)

Unforeseen conditions

5 \$383,599 80

E&O's potential fees to date:

\$0.00

1

		NON-COMP					
<u>CO#</u>	Change order description	CO Type	E&O fee	<u>days</u> added	CO unit cost	budget balance	
1	1st Under-cut	unforeseen	\$0.00	30	\$45,000 00	\$2,763 00	
2	Shelter Quantities	E&O	\$900 00	30	\$9,000 00	(\$6,237 00)	
<del></del>	BUDGET TRANSFER	Lac	- 4000 00		\$350,000 00	\$343,763 00	
3	Additional undercut	unforeseen	\$0.00	20	\$287,520 00	\$56,243 00	
4	Electrical revisions	E&O	\$1,769 56	0	\$17,695 66	\$38,547 34	
5	Crocks	unforeseen	\$0.00	0	\$8,812 42	\$29,734 92	
6			\$0.00	0	\$112,000 00	Separate PO#	
<u> </u>	Add Alternate #1 credit	user request		L	\$112,000.00		
<del></del>	Current budget balance as				627 825 50	\$119,357 81	
7	Paving section changes	unforeseen	\$0 00	0	\$37,825 50	\$81,532 31	
8	power panels	unforeseen	\$0 00	0	\$4,441.88	\$77,090 43	
9	Geotextile CREDIT	unforeseen	\$0 00	0	\$4,410 61	\$81,501 04	
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\$876,706 07

A/E totals \$2,669 56

Total days:

80